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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

R.S.A. No. 2318 of 2004

Date of decision: 20.9.2007

Jarnail Singh **...Appellant**

Versus

State of Punjab and others **...Respondents**

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr. Onkar Singh, Advocate for the appellant.

Mr. Sudeep Mahajan, Advocate for the respondents.

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RAJESH BINDAL, J.

The appellant-plaintiff is in second appeal against the concurrent findings of fact by both the Courts below whereby suit filed by him on August 25, 1994 seeking declaration of the allotment order in favour of Hazara Singh son of Labh Singh to be illegal, null and void, was dismissed.

The claim made by the appellant is that infact there was an order of allotment of land in his favour, passed by the authorities on April 13, 1974. Hazara Singh son of Labh Singh got the same transferred in his name in connivance with the official respondents. In fact he being the tenant on the land was entitled to allotment of land in terms of provisions of the Punjab Securities of Land Tenures Act, 1953. The allottee, vide impugned order, got the benefit of fact that his name was also Hazara Singh. He was son of Labh Singh whereas appellant is son of Tehal Singh. Accordingly, he prayed that judgments and decree passed by both the Courts below deserve to be set aside and also impugned order of allotment.

On the other hand, learned counsel for the respondents submitted that suit is hopelessly time barred as intentionally the date of

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impugned order which is December 14, 1976 is not mentioned in the suit filed by the appellant/plaintiff on August 25, 1994. Moreover, he submitted that prior to that, thrice appellant-plaintiff filed applications before the Collector, which were dismissed and those orders were not appealed against. On one of the occasion before the Collector, appellant stated that he does want to press for allotment of land and has no objection to the allotment having been made in favour of the respondents. Not only this even civil suit filed by the appellant in 1992 claiming the same relief, was also dismissed and against that judgment and decree also no appeal was filed.

In view of the above facts on record which could not be disputed even by learned counsel for the appellant/plaintiff, in my opinion, no illegality has been committed by the Courts below in dismissing the claim of the appellant/plaintiff. There is a litigant, who is invoking the jurisdiction of various authorities on the same issue time and again, even after conceding the claim of the respondents, which cannot be permitted.

Accordingly, I do not find any merit in the present appeal and the same is dismissed.

September 20, 2007 **(Rajesh Bindal)**
Pka **Judge**